

Message Text

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TO ALL EUROPEAN DIPLOMATIC POSTS

C O N F I D E N T I A L STATE 028990

E.O. 11652: GDS

TAGS: PFOR, CSCE

SUBJECT: GUIDANCE ON CSCE ISSUES

REF: 76 STATE 53991

1. WITH A PREPARATORY MEETING TO BEGIN JUNE 15 IN
BELGRADE, PRELIMINARY TO THE CSCE FOLLOW-UP MEETING
NEXT FALL, WE ANTICIPATE THAT DISCUSSIONS ON CSCE
MATTERS WILL INTENSIFY IN THE MONTHS AHEAD. IN VIEW
OF THEIR MEAGER IMPLEMENTATION RECORD, AND TO PREPARE
FOR BELGRADE, THE SOVIETS AND THEIR ALLIES HAVE
DEVELOPED A CSCE STRATEGY WHICH CENTERS ON:

--REINTERPRETATION OF THE CSCE PROVISIONS TO SUIT THEIR
OWN VIEWS;
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--CRITICISM OF ALLEGED WESTERN AND US NON-COMPLIANCE
WITH THE „SPIRIT OF HELSINKI“ IN SUCH AREAS AS RADIO
BROADCASTING, WITHHOLDING OF MFN, VISA PRACTICES AND
IMBALANCE IN THE EAST-WEST EXCHANGE OF BOOKS AND
FILMS; AND

--GRANDIOSE PROPOSALS DESIGNED PRIMARILY TO DIVERT
ATTENTION FROM THEIR IMPLEMENTATION RECORD: THE
SOVIET CALL FOR PAN-EUROPEAN CONFERENCES ON ENERGY,
TRANSPORT AND THE ENVIRONMENT, AND THE WARSAW PACT

PROPOSAL FOR A TREATY AMONG CSCE STATES ON NON-FIRST-
USE OF NUCLEAR WEAPONS.

2. THE PURPOSE OF THIS CABLE IS TO PROVIDE GUIDANCE
ON CSCE ISSUES WHICH CAN BE USED PRIMARILY IN NORMAL
DIPLOMATIC EXCHANGES WITH EASTERN REPRESENTATIVES, BUT
IT SHOULD ALSO SERVE AS GUIDANCE FOR USE IN DISCUSSIONS
WITH WESTERN OFFICIALS. IT COMPLEMENTS AND IN SOME
CASES SUPPLEMENTS AND UPDATES PREVIOUS GUIDANCE CONTAINED
IN 76 STATE 53991, WHICH YOU SHOULD CAREFULLY REVIEW.
THE GUIDANCE IS ORGANIZED TO PROVIDE (A) EASTERN
POSITION, (B) US POSITION AND (C) RELEVANT BACKGROUND.

3. HUMAN RIGHTS.

(A) THE FINAL ACT HAS SERVED TO FOCUS MORE INTENSELY
WESTERN INTEREST IN HUMAN RIGHTS IN THE SOVIET UNION
AND EASTERN EUROPE. A SOVIET DISSIDENT CSCE GROUP,
WITH SISTER GROUPS IN THE UKRAINE AND LITHUANIA, IS
MONITORING SOVIET HUMAN RIGHTS IMPLEMENTATION. THE
CZECHOSLOVAK "CHARTER 77" GROUP HAS CALLED FOR IMPROVE-
MENT IN HUMAN RIGHTS IN CONNECTION WITH THE FINAL ACT
AND OTHER HUMAN RIGHTS ASSOCIATED ACCORDS; A GROUP OF
HUNGARIAN INTELLECTUALS HAS EXPRESSED SUPPORT FOR
"CHARTER 77." IN THE GDR AND POLAND THERE HAVE ALSO
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BEEN RECENT DEVELOPMENTS RELATED TO HUMAN RIGHTS AND
HUMANITARIAN ISSUES. THE MOST COMMON EASTERN RESPONSE
HAS BEEN TO TRY TO DISCREDIT INDIVIDUALS AND GROUPS
INVOLVED, TO HARASS AND HINDER THEIR ACTIVITIES, AND
IN SOME CASES TO QUESTION, ARREST OR EXILE DISSIDENT
LEADERS, ALTHOUGH THE HUNGARIANS HAVE APPARENTLY NOT
REACTED AGAINST THEIR INTELLECTUALS. THE SOVIETS AND
EAST EUROPEANS CUSTOMARILY REJECT WESTERN EXPRESSIONS
OF CONCERN ON TREATMENT OF DISSIDENTS AS INTERFERENCE
IN THEIR INTERNAL AFFAIRS.

(B) PRESIDENT CARTER IN HIS INAUGURAL SPEECH REAFFIRMED
THE US COMMITMENT TO HUMAN RIGHTS. THE FINAL ACT
CONTAINS A PRINCIPLE CALLING FOR RESPECT FOR HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE FREEDOM
OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF. FURTHER,
THIS PRINCIPLE NOTES THAT CSCE STATES WILL ACT IN
CONFORMITY WITH THE UNIVERSAL DECLARATION OF HUMAN
RIGHTS. SINCE HELSINKI, WE HAVE STRESSED OUR INTEREST

IN THE IMPLEMENTATION OF THE FINAL ACT PROVISIONS, AND
THAT THE VALUE OF CSCE WILL BE MEASURED ACCORDING TO
THE DEGREE OF IMPLEMENTATION. BECAUSE OF OUR TRADI-
TIONS, THERE IS NO CSCE AREA OF GREATER CONCERN TO THE
AMERICAN PUBLIC AND GOVERNMENT THAN HUMAN RIGHTS AND

SPECIFIC HUMANITARIAN ISSUES. WE DO NOT REGARD OUR INTEREST IN IMPLEMENTATION IN THE HUMAN RIGHTS FIELD, ACCORDING TO THE AGREED PROVISIONS OF THE FINAL ACT, AS INTERFERENCE IN THE INTERNAL AFFAIRS OF OTHER STATES.

(C) THE WEST IN THE CSCE NEGOTIATIONS WAS SUCCESSFUL IN INCORPORATING A DETAILED STATEMENT ON HUMAN RIGHTS IN THE FINAL ACT PRINCIPLES DECLARATION, REAFFIRMING THAT HUMAN RIGHTS IS A LEGITIMATE ELEMENT IN RELATIONS BETWEEN STATES. EFFORTS TO ASSERT THAT THIS PRINCIPLE IS SECONDARY TO ANY OTHER, INCLUDING THE PRINCIPLE ON CONFIDENTIAL

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NON-INTERVENTION, IS INCONSISTENT WITH THE STATEMENT IN THE DECLARATION THAT ALL THE PRINCIPLES SHOULD BE EQUALLY AND UNRESERVEDLY APPLIED. IN THE FINAL ACT, THE PRINCIPLES DECLARATION IS LINKED TO SPECIFIC HUMANITARIAN ISSUES, SUCH AS FAMILY REUNIFICATION, THROUGH A REFERENCE TO THE DECLARATION IN THE PREAMBLE TO BASKET III.

4. BERLIN.

(A) IN EARLY JANUARY, CHECKPOINTS BETWEEN THE GDR AND EAST BERLIN WERE REMOVED, THEREBY AFFECTING THE INTEGRITY OF QUADRIpartite RIGHTS IN BERLIN. AT THE SAME TIME THE GDR STARTED CHARGING A VISA FEE FOR NON-GERMANS VISITING EAST BERLIN FROM WEST BERLIN FOR A ONE-DAY STAY. THE GDR CLAIMED THAT WESTERN PROTESTS OVER THIS MOVE VIOLATED FINAL ACT PRINCIPLES ON SOVEREIGNTY AND NON-INTERVENTION. GDR MEDIA CLAIMED THAT THE NEW VISA FEE WAS LOWER THAN FEES CHARGED BY THE US AND OTHER WESTERN STATES.

(B) GIVEN THE SPECIAL NATURE OF WESTERN RIGHTS IN BERLIN, THIS ISSUE WAS HANDLED AS A QUADRIpartite QUESTION, RATHER THAN IN THE CSCE CONTEXT, AND THE WESTERN ALLIES DO NOT INTEND TO RAISE IT AS A CSCE MATTER. NEVERTHELESS, THE FINAL ACT PRINCIPLES DECLARATION CONTAINS A CLAUSE WHICH WAS ACCEPTED BY ALL CSCE SIGNATORIES AS RECOGNITION OF QUADRIpartite RIGHTS IN BERLIN AND ANOTHER CLAUSE WHICH MAKES CLEAR THAT THE PROVISIONS OF THE FINAL ACT APPLY TO BERLIN. THE GDR CREATION OF A FEE FOR ONE-DAY VISITOR VISAS IS CLEARLY CONTRARY TO A FINAL ACT

STIPULATION THAT STATES SHOULD LOWER SUCH FEES. FINALLY, THE GDR COMPARISON OF THE NEW FEE WITH US VISA FEES IS SPECIOUS. THE US FORMALLY OFFERED TO ABOLISH NON-CONFIDENTIAL

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IMMIGRANT VISA FEES ON A RECIPROCAL BASIS WITH THE GDR, AND THE GDR DECLINED TO DO SO.

(C) THE FINAL ACT STATES THAT THE PRINCIPLES DECLARATION DOES NOT AFFECT CSCE STATES' "RIGHTS AND OBLIGATIONS, NOR THE CORRESPONDING TREATIES AND OTHER AGREEMENTS AND ARRANGEMENTS." THIS FORMULATION WAS INSERTED SPECIFICALLY TO PROTECT QUADRIPARTITE RIGHTS AND RESPONSIBILITIES FOR BERLIN AND GERMANY AS A WHOLE. THE APPLICABILITY OF THE FINAL ACT TO BERLIN IS AFFIRMED BY A STATEMENT IN THE TEXT, WHICH WAS AN FRG INITIATIVE, THAT THE BENEFITS OF THE CSCE RESULTS WILL APPLY "THROUGHOUT EUROPE."

5. WARSAW PACT PROPOSAL

(A) THE WARSAW PACT POLITICAL CONSULTATIVE COMMITTEE MEETING IN BUCHAREST, ISSUED ON NOVEMBER 26 A DRAFT TREATY AMONG CSCE STATES ON NON-FIRST USE OF NUCLEAR WEAPONS. THE COMMUNIQUE OF THE DECEMBER 11-12 NATO MINISTERIAL REJECTED THE WARSAW PACT PROPOSAL. SUBSEQUENTLY, THE SOVIETS HAVE INDICATED THAT THEY DO NOT REGARD THE ALLIED RESPONSE AS DEFINITIVE, AND GROMYKO RECENTLY SUGGESTED THERE SHOULD BE A MEETING OF REPRESENTATIVES OF CSCE STATES TO DISCUSS THE WARSAW PACT PROPOSAL PRIOR TO BELGRADE.

(B) WE BELIEVE OUR EFFORTS SHOULD BE DIRECTED TO IMPLEMENTATION OF THE PROVISIONS ALREADY AGREED, INCLUDING THOSE IN THE AREA OF MILITARY CONFIDENCE-BUILDING MEASURES. THE NATO COMMUNIQUE CONTAINS OUR REACTION TO THE WARSAW PACT PROPOSAL.

(C) THE NON-FIRST USE DRAFT TREATY IS EVIDENTLY DESIGNED TO FOCUS ATTENTION OF THE CSCE PARTICIPANTS ON AN ARMS CONTROL INITIATIVE IN THE PERIOD PRIOR TO CONFIDENTIAL

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BELGRADE, AND TO DIVERT ATTENTION FROM INSUFFICIENT EASTERN IMPLEMENTATION OF THE FINAL ACT PROVISIONS. THE SOVIET REFUSAL TO ACCEPT THE ALLIES' REJECTION OF THE PROPOSAL INDICATES THEY WISH TO KEEP THE ISSUE ALIVE AND TO BRING IT UP AGAIN AT BELGRADE. WE OPPOSE A MEETING ON THE WP PROPOSAL AS SUGGESTED BY GROMYKO, SINCE SUCH A MEETING WOULD GIVE THE PROPOSAL A STATUS IT DOES NOT DESERVE, AND HIGHLIGHT IT AS A

MAJOR WARSAW PACT CSCE INITIATIVE, THEREBY FURTHERING THE EASTERN OBJECTIVE OF DIVERTING ATTENTION FROM THEIR IMPLEMENTATION RECORD.

6. MOST FAVORED NATION TREATMENT (REFERS TO PARA 5, REFTEL).

IN ADDITION TO GUIDANCE REFTEL, ADDITIONAL POINT CAN BE MADE REGARDING PRACTICES IN MOST EASTERN STATE TRADING COUNTRIES WHICH HINDER DEVELOPMENT OF EAST-WEST ECONOMIC RELATIONS. THESE INCLUDE SECRETIVENESS AND RELUCTANCE TO RELEASE MEANINGFUL DOMESTIC ECONOMIC INFORMATION NEEDED BY WESTERN FIRMS TO CONDUCT BUSINESS IN THEIR COUNTRIES, AND REQUIREMENTS TO DEAL THROUGH FOREIGN TRADE ORGANIZATIONS, A PRACTICE WHICH SERVES AS A BARRIER TO ACCESS TO END-USERS OF PRODUCTS.

7. BREZHNEV PROPOSALS (UPDATES PARA 6, REFTEL).

(A) AT THE 31ST ANNUAL MEETING OF THE ECE IN MARCH-APRIL 1976, THE SOVIETS HOPED TO OBTAIN A RESOLUTION EXPRESSING AGREEMENT BY THE ECE COUNTRIES TO THEIR PROPOSAL FOR ALL-EUROPEAN CONFERENCES ON ENERGY, TRANSPORT AND THE ENVIRONMENT. WESTERN COUNTRIES VIEWED THIS INITIATIVE AS DESIGNED TO ALLOW THE SOVIET UNION TO CLAIM IMPLEMENTATION OF BASKET II PROVISIONS, WHILE DIVERTING ATTENTION FROM ITS OVERALL PERFORMANCE
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IN IMPLEMENTING THE FINAL ACT. THE WESTERN COUNTRIES RESISTED THIS EFFORT, AND URGED THE ECE TO CONCENTRATE ON SPECIFIC PROJECTS RELATED TO ITS DESIGNATED ROLE UNDER THE FINAL ACT. THE STATES AT THE 31ST SESSION FINALLY DECIDED TO REMAND THE SOVIET PROPOSAL FOR ONE YEAR'S STUDY BY ECE STATES UNTIL THE NEXT ANNUAL MEETING IN APRIL 1977, AND TO PRESS AHEAD ON SEVERAL SPECIFIC PROJECTS WITHIN THE ECE'S FINAL ACT MANDATE. THE SOVIETS AND EASTERN EUROPEANS CONTINUE TO PROMOTE THE IDEA OF THE PAN-EUROPEAN CONFERENCES, AND HAVE SOUGHT SUPPORT ON A BILATERAL BASIS FROM SEVERAL WESTERN CSCE COUNTRIES.

(B) THE US AGREES FULLY WITH THE DECISION REACHED AT THE 31ST ANNUAL MEETING OF THE ECE CONCERNING THE SOVIET PROPOSAL.

(C) IF CONSENSUS ON THE CONFERENCES IS NOT REACHED AT THE 32ND SESSION, THE SOVIETS WILL PROBABLY PRESS FOR

THEM AT THE BELGRADE MEETING IN THE CONTEXT OF FURTHER FOLLOW-UP TO THE CSCE BEYOND BELGRADE. WE BELIEVE PARTICIPANTS SHOULD FOCUS AT BELGRADE ON IMPLEMENTATION OF EXISTING BASKET II PROVISIONS.

8. RADIO BROADCASTING.

AS THE ONLY WESTERN COUNTRY WHOSE BROADCASTS ARE JAMMED (ALTHOUGH JAMMING OF VOA ENDED AT THE BEGINNING OF THE

CSCE, RL AND RFE ARE STILL JAMMED IN THE USSR AND SOME EAST EUROPEAN STATES AND THE GDR JAM BROADCASTS OF THE RADIO IN THE AMERICAN SECTOR (RIAS) IN BERLIN), THE US WAS IN THE FOREFRONT AMONG WESTERN COUNTRIES ON THE RADIO BROADCASTING ISSUE DURING THE CSCE NEGOTIATION, AND WE CAN EXPECT TO BE IN THE SAME POSITION AT BELGRADE. THE SOVIETS AND SOME EASTERN EUROPEANS HAVE SHARPLY CRITICIZED US FOR RFE AND RL BROADCASTS IN CSCE CONTEXT, AND THERE HAVE BEEN INDICATIONS THIS WILL
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CONTINUE AT THE FOLLOW-UP MEETING. EMBASSIES IN MOSCOW AND EASTERN EUROPEAN CAPITALS SHOULD IN PARTICULAR REVIEW DETAILED GUIDANCE ON RADIO BROADCASTING IN PARA 9, REFTEL, TO COUNTER EASTERN CRITICISM. AS INDICATED REFTEL, FINAL ACT TEXT ON RADIO BROADCASTING CONCERNS JAMMING AND REDUCTION THEREOF. COUPLED WITH FINAL ACT STATEMENT THAT PARTICIPATING STATES "MAKE IT THEIR AIM TO FACILITATE THE FREER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS," IT REPRESENTS A COMMITMENT TO FURTHER REDUCE JAMMING. NEW ASPECT IN THIS REGARD IS RECENT ATTEMPT BY CZECHOSLOVAK MEDIA TO JUSTIFY JAMMING AS NECESSARY TO PREVENT WESTERN "INTERFERENCE" IN CZECHOSLOVAK INTERNAL AFFAIRS. THIS ASSERTION OF SO-CALLED "RIGHT TO JAM" IS INDEFENSIBLE IN CSCE TERMS, AND IS DIRECTLY CONTRADICTORY TO COMMITMENT MENTIONED ABOVE. POSTS SHOULD RESPOND FIRMLY AND UNEQUIVOCALLY TO EASTERN CRITICISM, AND WESTERN "WAFFLING" ON THIS ISSUE.

9. FOLLOW-UP MEETINGS (SUPPLEMENTS PARA 11, REFTEL).

(A) THE SOVIETS AND EAST EUROPEANS INDICATE THEY DESIRE A BRIEF BELGRADE MEETING WHICH WILL FOCUS ON FURTHER COOPERATIVE EAST-WEST STEPS SUCH AS THEIR NON-FIRST USE OF NUCLEAR WEAPONS TREATY AND PAN-EUROPEAN CONFERENCES ON ENERGY, TRANSPORT AND THE ENVIRONMENT. THEY APPARENTLY HOPE TO AVOID, TO THE EXTENT POSSIBLE, A DETAILED REVIEW OF IMPLEMENTATION SINCE HELSINKI WHICH WOULD SPOTLIGHT THEIR INADEQUATE COMPLIANCE RECORD.

(B) YOU SHOULD TAKE FOLLOWING LINE IN DISCUSSIONS WITH EASTERN OFFICIALS: SINCE HELSINKI, US HAS STRESSED ITS INTEREST IN IMPLEMENTATION OF FINAL ACT PROVISIONS. LIMITED AMOUNT OF PROGRESS HAS BEEN MADE, BUT A GREAT DEAL REMAINS TO BE DONE. US PUBLIC AND CONGRESS REMAIN
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LARGELY SKEPTICAL OF WORTH OF THE CSCE COMMITMENTS AND

WILL FOLLOW CLOSELY THE IMPLEMENTATION REVIEW. WE HOPE TO SEE FURTHER IMPLEMENTATION PROGRESS BEFORE BELGRADE.

(C) THE FINAL ACT SETS THESE TASKS FOR BELGRADE:

--REVIEW OF IMPLEMENTATION;

--POSSIBILITY OF NEW CSCE-RELATED PROPOSALS; AND

--DECISION ON FURTHER FOLLOW-UP ARRANGEMENTS BEYOND BELGRADE.

THE NATO ALLIES HAVE AGREED THAT THE IMPLEMENTATION REVIEW IS OUR PRIMARY OBJECTIVE AT BELGRADE. WE SHOULD ALSO BE PREPARED TO SUBMIT A LIMITED NUMBER OF NEW PROPOSALS TO MAINTAIN THE WESTERN INITIATIVE; HOWEVER, THESE PROPOSALS WOULD BE INTENDED TO COMPLEMENT AND NOT DETRACT ATTENTION FROM THE IMPLEMENTATION REVIEW. AS TO FURTHER FOLLOW-UP, WE WISH TO ACHIEVE AN ARRANGEMENT ENABLING US TO CONTINUE TO ENCOURAGE FULL IMPLEMENTATION OF COMMITMENTS UNDERTAKEN IN CSCE, WHILE AVOIDING THE CREATION OF A PAN-EUROPEAN CONSULTATIVE ORGAN OF A POLITICAL OR SECURITY NATURE.

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